

(11) *Affirmative defense for malfunctions.* The following regulations are incorporated by reference and made part of this federal implementation plan:

- (i) R-18-2-101, paragraph 65;
- (ii) R18-2-310, sections (A), (B), (D) and (E) only; and
- (iii) R18-2-310.01.

(g) On May 3, 2013, the Arizona Department of Environmental Quality (ADEQ) submitted the “Arizona State Implementation Plan Revision, Regional Haze Under Section 308 of the Federal Regional Haze Rule” (“Arizona Regional Haze SIP Supplement”).

(1) The following portions of the Arizona Regional Haze SIP Supplement are disapproved because they do not meet the applicable requirements of Clean Air Act sections 169A and 169B and the Regional Haze Rule in 40 CFR 51.301 through 51.308:

- (i) The determination that the Chemical Lime Company’s Nelson Lime Plant is not subject-to-BART;
- (ii) The determination that the Freeport McMoRan Miami Inc (FMMI) Smelter is not subject to BART for NO<sub>x</sub>;
- (iii) The determination that existing controls constitute BART for SO<sub>2</sub> at the Freeport McMoRan Miami Inc (FMMI) Smelter;
- (iv) The determination that the ASARCO Hayden smelter is not subject to BART for NO<sub>x</sub> and PM<sub>10</sub>;
- (v) The determination that existing controls constitute BART for SO<sub>2</sub> at ASARCO Hayden Smelter;
- (vi) The reasonable progress goals for the first planning period;
- (vii) The determination that no additional controls for point sources of NO<sub>x</sub> are reasonable for the first planning period; and
- (viii) The determination that no additional controls for area sources of NO<sub>x</sub> and SO<sub>2</sub> are reasonable for the first planning period.

(2) [Reserved]

(h) *Disapproval.* The following portions of the Arizona SIP are disapproved because they do not meet the applicable requirements of Clean Air Act sections 169A and 169B and the Regional Haze Rule at 40 CFR 51.309:

(1) Regional Haze State Implementation Plan for the State of Arizona (“Arizona 309 Regional Haze SIP”) sub-

mitted by the Arizona Department of Environmental Quality on December 23, 2003, with the exception of Chapter 5 (Strategy to Address Reasonably Attributable Visibility Impairment (RAVI)) and Appendix A-5 (Attributable Impairment).

(2) The Arizona Regional Haze State Implementation Plan Revision submitted by the Arizona Department of Environmental Quality on December 31, 2004, with the exception of the provisions already approved at 40 CFR 52.120(c)(131).

(3) Letter from Stephen A. Owens, Director, Arizona Department of Environmental Quality, dated December 24, 2008 re: Submittal of Arizona Regional Haze State Implementation Plan.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987; 56 FR 50186, Oct. 3, 1991; 61 FR 14975, Apr. 4, 1996; 77 FR 72577, Dec. 5, 2012; 78 FR 46175, July 30, 2013; 78 FR 48330, Aug. 8, 2013]

#### § 52.146 Particulate matter (PM-10) Group II SIP commitments.

(a) On December 28, 1988, the Governor’s designee for Arizona submitted a revision to the State Implementation Plan (SIP) for Casa Grande, Show Low, Safford, Flagstaff and Joseph City, that contains commitments, from the Director of the Arizona Department of Environmental Quality, for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM-10 Group II SIPs.

(b) The Arizona Department of Environmental Quality has committed to comply with the PM-10 Group II State Implementation Plan (SIP) requirements for Casa Grande, Show Low, Safford, Flagstaff and Joseph City as provided in the PM-10 Group II SIPs for these areas.

(c) On December 28, 1988, the Governor’s designee for Arizona submitted a revision to the State Implementation Plan (SIP) for Ajo, that contains commitments from the Director of the Arizona Department of Environmental Quality, for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to

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satisfy the requirements of the PM-10 Group II SIPs.

(d) The Arizona Department of Environmental Quality has committed to comply with the PM-10 Group II State Implementation Plan (SIP) requirements.

[55 FR 17437, Apr. 25, 1990 and 55 FR 18108, May 1, 1990]

### § 52.147 Interstate transport.

(a) *Approval.* The SIP submitted on May 24, 2007 meets the requirements of Clean Air Act section 110(a)(2)(D)(i)(I) (contribute significantly to nonattainment or interfere with maintenance of the NAAQS in any other state) and section 110(a)(2)(D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only) for the 1997 8-hour ozone and 1997 PM<sub>2.5</sub> NAAQS.

(b) *Disapproval.* The SIPs submitted on May 24, 2007, February 28, 2011, and May 3, 2013 do not meet the requirements of Clean Air Act section 110(a)(2)(D)(i)(II) (interfere with measures in any other state to protect visibility, only) for the 1997 8-hour ozone and 1997 PM<sub>2.5</sub> NAAQS.

(c) *Approval.* The SIP submitted on October 14, 2009 meets the requirements of Clean Air Act section 110(a)(2)(D)(i)(I) (contribute significantly to nonattainment or interfere with maintenance of the NAAQS in any other state) for the 2006 PM<sub>2.5</sub> NAAQS.

(d) *Disapproval.* The SIPs submitted on October 14, 2009 and August 24, 2012 do not meet the requirements of Clean Air Act section 110(a)(2)(D)(i)(II) (interfere with measures in any other state to prevent significant deterioration of air quality, only) for the 2006 PM<sub>2.5</sub> NAAQS.

(e) *Disapproval.* The SIPs submitted on October 14, 2009, February 28, 2011, and May 3, 2013 do not meet the requirements of Clean Air Act section 110(a)(2)(D)(i)(II) (interfere with measures in any other state to protect visibility, only) for the 2006 PM<sub>2.5</sub> NAAQS.

[78 FR 46175, July 30, 2013]

### § 52.150 Yavapai-Apache Reservation.

(a) The provisions for prevention of significant deterioration of air quality at 40 CFR 52.21 are applicable to the

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Yavapai-Apache Reservation, pursuant to § 52.21(a).

(b) In accordance with section 164 of the Clean Air Act and the provisions of 40 CFR 52.21(g), the Yavapai-Apache Indian Reservation is designated as a Class I area for the purposes of preventing significant deterioration of air quality.

[61 FR 56470, Nov. 1, 1996]

### § 52.151 Operating permits.

Insofar as the permitting threshold provisions in the Pinal County Code of Regulations for the Pinal County Air Quality Control District concern the treatment of sources of greenhouse gas emissions as major sources for purposes of title V operating permits, EPA approves such provisions only to the extent they require permits for such sources where the source emits or has the potential to emit at least 100,000 tpy CO<sub>2</sub> equivalent emissions, as well as 100 tpy on a mass basis, as of July 1, 2011.

[75 FR 82266, Dec. 30, 2010]

## Subpart E—Arkansas

### § 52.170 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Arkansas under section 110 of the Clean Air Act, 42 U.S.C. 7410, and 40 CFR part 51 to meet national ambient air quality standards.

(b) Incorporation by reference. (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 1, 2005, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after December 1, 2005, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in